

FILED

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FEB - 1 2008

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY W. H. DEPUTY

CHRISTOPHER L. HANKINS,

Plaintiff,

vs.

No. CIV-07-415-W

MICHAEL J. ASTRUE,
Commissioner of the Social Security
Administration,

Defendant.

ORDER

On January 11, 2008, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and recommended that this Court reverse the decision of the defendant, Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying plaintiff Christopher L. Hankins disability insurance benefits and supplemental security income and remand the matter for further administrative proceedings. The parties were advised of their right to object to the Report and Recommendation, but neither party has objected within the allotted time.

Upon de novo review of the record, the Court concurs that reversal of the Commissioner's decision as well as remand of this matter for further proceedings is warranted for the reasons stated by Magistrate Judge Purcell. On remand, the administrative law judge ("ALJ") inter alia should follow the required procedure for evaluating Hankins' severe mental impairments and not only document the evidence of these impairments, but also discuss how such impairments have affected Hankins' ability to function in four specific areas in order to determine his mental residual functional

capacity ("RFC") to work. In so doing, the ALJ shall discuss the evidence relied upon and rejected to determine Hankins' RFC and discuss the weight given to any medical source opinions and the reasons for the weight assigned to such opinions. On remand, the ALJ shall likewise redetermine the credibility of Hankins' subjective statements and set forth reasons based on the medical and nonmedical evidence in the record for any credibility determinations.

Because the ALJ's factual findings are not supported by substantial evidence and because the ALJ's decision to deny Hankins benefits was reached through application of incorrect legal standards, the Court

(1) ADOPTS the Report and Recommendation issued on January 11, 2008;

(2) REVERSES the Commissioner's decision to deny Hankins' Application for Disability Insurance Benefits and his Application for Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with Magistrate Judge Purcell's Report and Recommendation and this Order; and

(4) ORDERS that judgment issue forthwith.

ENTERED this 1st day of February, 2008.


LEE R. WEST
UNITED STATES DISTRICT JUDGE